

REMARKS/ARGUMENTS

Status of Claims:

This application was originally filed containing claims 1-43. After Applicant's election with traverse to the Office's restriction requirement, claims 1-26, 29 and 33-43 were withdrawn from prosecution and claims 27, 28 and 30-32 were elected for prosecution. In this paper, claims 1-26, 29-31 and 33-43 are cancelled, claims 27 and 28 are amended and claim 32 is in its original form. No new matter has been added by way of these amendments.

Rejection Under 35 U.S.C. § 112, First Paragraph

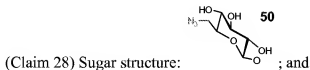
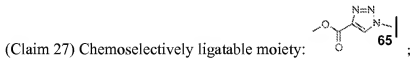
Claims 27, 28 and 30-32 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the invention.

In the instant case, the Office finds that the reactants are described as products in the claims. As the Office notes, the specification provides for a generic strategy for the compositions, such as in Figure 6C, but the reactants are described as products in the claims rather than specific reactants to form the products. As amended herein, Claims 27 and 28 now recite the production of a chemoselectively ligated vancomycin analog and the moieties that are used as reactants to produce that vancomycin analog incorporating the subject matter of claims 30 and 31 now herein cancelled. The structure of the final product is now recited in the claims' text. No new matter has been added by way of these amendments. The rejection is thus overcome and should be withdrawn.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 27, 28 and 30-32 are rejected under 35 U.S.C. § 112, first paragraph, because the Office finds that the specification, while being enabling for azide products, does not reasonably provide enablement for forming compositions claimed with hexose groups with no azide functional group. As amended herein, claims 27 and 28 now recite only the originally presented glycosylated moieties having azide groups. No new matter has been added by way of this amendment. Thus, the rejection is overcome and the rejection should be withdrawn.

Finally, the Applicant addresses the Examiners noted inconsistencies in the numbering of elected subject matter. In particular, the Examiner identifies the hexose elected in response to the restriction requirement as **60** but notes that the hexose does not have the structure of **60** illustrated in the claims. In fact, the Applicants elected hexose **50** the original numbering being corrupted by facsimile transmission of the restriction response to the Office. The election as originally set forth in the response and pasted blow, reads thusly:



(Claim 30) Moiety capable of being glycosylated is: **non-ribosomal peptides**;
Therefore, there are no inconsistencies with respect to the numbering of the elected subject matter.

CONCLUSIONS

In light of the amendments and arguments provided herein, Applicants respectfully request that the rejections to the claims be withdrawn and the application passed to allowance. Notification to that effect is earnestly solicited. The Examiner is urged to telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Office is further authorized to charge the processing fee or any other surcharges, or underpayment, including extension of time, as deemed necessary and appropriate to the Deposit Account 07-1509 of Godfrey & Kahn, S.C.

Respectfully submitted,

GODFREY & KAHN, S.C.

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By: /Colin L. Fairman/
Colin L. Fairman
Registration No. 51,663

Attorneys of Record
GODFREY & KAHN, S.C.
780 North Water Street
Milwaukee, WI 53202-3590
(414) 273-3500